

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

Sherry Hotain,

Plaintiff,

v.

Case No. 3:17-cv-144

District Judge Thomas M. Rose

Magistrate Judge Michael J. Newman

Nancy A. Berryhill,

Deputy Commissioner of Operations
of the Social Security Administration,¹

Defendant.

**ENTRY AND ORDER ADOPTING REPORT AND
RECOMMENDATIONS OF MAGISTRATE JUDGE MICHAEL J.
NEWMAN (ECF 14), OVERRULING DEFENDANT'S OBJECTIONS
(ECF 15), FINDING THE COMMISSIONER'S FINDING OF
NON-DISABILITY TO BE SUPPORTED BY SUBSTANTIAL
EVIDENCE; AND TERMINATING THE INSTANT CASE.**

This matter comes before the Court pursuant to Objections (ECF 15) to the Report and Recommendations of Magistrate Judge Michael J. Newman (ECF 14) recommending that the Court find the Commissioner's non-disability finding to be supported by substantial evidence and the case be terminated.

¹ 1 Nancy A. Berryhill was the Acting Commissioner of Social Security beginning January 23, 2017. However, her acting status ended as a matter of law in November 2017 pursuant to the Federal Vacancies Reform Act, 5 U.S.C. § 3345 et seq., and Berryhill returned to her position of record as Deputy Commissioner of Operations. According to the agency's Social Security Administration's website, "[i]n accordance with the agency's Order of Succession, [Berryhill] continues to lead the Social Security Administration as we await the nomination and confirmation of a Commissioner." <https://www.ssa.gov/agency/commissioner.html> (last accessed March 28, 2018).

The Court has reviewed the findings of the Magistrate Judge and, pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), this Court has made a *de novo* review of the record in this case. Upon consideration of the foregoing, the Court finds the Objections (ECF 15) are not well-taken and are hereby **OVERRULED**.

The Court **ADOPTS** the Report and Recommendations (ECF 14) in its entirety. The Court finds the Commissioner's non-disability finding to be supported by substantial evidence. The instant case is **TERMINATED** on the docket of the United States District Court for the Southern District of Ohio, Western District at Dayton.

DONE and **ORDERED** this Wednesday, March 28, 2018.

s/THOMAS M. ROSE

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE